

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ARLYN A. KOELLER, M.D., :
RESPONDENT. :

00038 15

Division of Legal Services and Compliance Case No. 13 MED 117

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Arlyn A. Koeller, M.D.
The Lakes Community Health Center
7665 US Hwy 2
Iron River, WI 54847-4690

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Arlyn A. Koeller, M.D., (dob April 19, 1932), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 14308-20, first issued on July 02, 1962, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is The Lakes Community Health Center, 7665 US Hwy 2, Iron River, Wisconsin 54847-4690.

2. At all times relevant to this proceeding, Respondent was employed as a physician at a community health center (Center), located in Iron River, Wisconsin.

3. Between March 2012 and August 2012, Respondent allowed unlicensed persons to take radiographs and perform radiographic positioning without documenting the identity of the unlicensed person and without documenting that the unlicensed person actually took the radiograph without a licensed physician present.

4. The unlicensed persons who took radiographs and performed the radiographic positioning were not qualified to do so without direct supervision.

5. Respondent failed to inform patients that the person taking the radiographs and performing radiographic positioning was not licensed to practice radiography, was not a licensed physician, and was acting as a physician's delegate.

6. Respondent knew or should have known that the medical records of patients did not correctly identify the person taking the radiographs.

7. In approximately June 2012, Respondent directed or permitted a staff member to recreate radiography logs to remove any indication of the identity of the person who took the radiographs and instead add the name of the professionals who ordered the radiograph.

8. Respondent initialed the recreated and back-dated logs. Therefore Respondent knew that the logs did not indicate the identity of the person who took the radiograph.

9. The Center discontinued taking x-rays on November 16, 2012.

10. Respondent denies any wrong-doing but, in resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 462.02, no person may perform radiographic positioning or take radiographs unless the individual is licensed to practice radiography, is a licensed physician or is subjected to other exceptions that are inapplicable to the circumstances at issue.

3. Wisconsin Stat. § 462.02 is a law the circumstances of which substantially relate to the practice of medicine.

4. By permitting an unlicensed person to perform radiographic positioning or take radiographs, Respondent aided and abetted a violation of Wis. Stat. § 462.02.

5. By the conduct described in the Findings of Fact, Respondent Arlyn A. Koeller, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(z)(2002) by violating or aiding and abetting the violation of any law the circumstances of which substantially relate to the circumstances of the practice of medicine.

6. By the conduct described in the Findings of Fact, Respondent Arlyn A. Koeller, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(t)(2002) by failing to identify, or by aiding and abetting those who failed to identify unlicensed individuals who were serving as physician delegates.

7. By the conduct described in the Findings of Fact, Respondent Arlyn A. Koeller, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(za)(2002) by failing to maintain patient health care records consistent with requirements of Wis. Admin. Code § Med 21.03(3) by failing to identify in the patient healthcare record the practitioner or other person who provided services.

8. As a result of the above conduct, Arlyn A. Koeller, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Arlyn A. Koeller, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to Arlyn A. Koeller, M.D., (license number 14308-20) is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete six hours of remedial education in medical ethics.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
 - c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

g. This limitation shall be removed when Respondent satisfies the Board's designee that Respondent has taken and completed the remedial education as ordered.

4. Within 90 days from the date of this Order, Arlyn A. Koeller, M.D., shall pay COSTS of this matter in the amount of \$145.00.

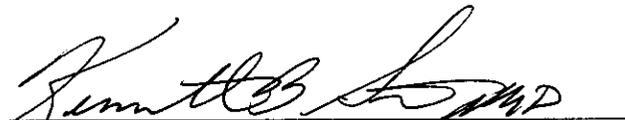
5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

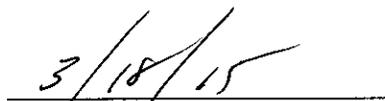
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 14308-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

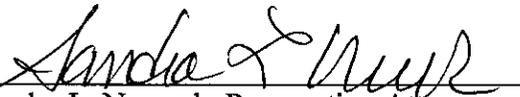
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Arlyn A. Koeller, M.D., Respondent
The Lakes Community Health Center
7665 US Hwy 2
Iron River, WI 54847-4690
License no. 14308-20

2/24/14
Date


Sandra L. Nowack, Prosecuting Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

2/13/15
Date